

# News analysis

## India: states ban oral tobacco

Gutkha and paan masala, two oral products used with or without tobacco, were banned from 1 August 2002 in Maharashtra state, where even school and college students are increasingly becoming users. The ban covers the manufacture, storage, distribution, sale, and advertising. A 1997 survey in the capital Mumbai (formerly known as Bombay) found that 10-40% of school children and 70% of college students used the products.

Perhaps the most interesting aspects of the move concern how it was made. First, no new law has been passed: the ban was made following a state Cabinet decision, by simply issuing an order under "enabling" legislation, the Prevention of Food Adulteration Act. Second, it is widely rumoured that Mr Sharad Pawar, leader of the ruling political party, was diagnosed and treated for oral cancer due to gutkha use just a few days before the Cabinet decision.

Many are doubtful about the potential effectiveness of the Maharashtra ban, as there are few officials to enforce it and at present users and illegal traders can cross into neighbouring Madhya Pradesh or Gujarat states to get it. In addition, a ban on the sale of gutkha within 100 metres of educational institutions and government owned offices in Mumbai has not been enforced. However, the net is tightening, with Madhya Pradesh and Uttar Pradesh passing their own, similar bans, and the Rajasthan cabinet has decided in principle to ban gutkha. In addition, the high courts in Tamil Nadu and Andhra Pradesh have also ordered bans, although in each case, implementation has been stayed by the Supreme Court on procedural grounds. Oral tobacco is estimated to cause over 160 000 new oral cancer cases in India every year.

All articles written by David Simpson unless otherwise attributed. Ideas and items for News Analysis should be sent to David Simpson at the address given on the inside front cover

## Germany: tobacco industry makes further inroads

Germany's resistance to effective tobacco control is well recognised and is contributing to the rapidly rising rates of female smoking in former East Germany. But the German government's recent acceptance of €11.8 million (US\$11.6 million) of tobacco industry funding for a five year tobacco control programme purporting to prevent children and adolescents from smoking has caused further outcry. The German government claims such measures are in the interest of its population. It has clearly not read the internal documents that reveal the industry's true attitude and the importance it attaches to encouraging rather than preventing youth smoking, nor evidence which suggests that at best such programmes are ineffective and at worst counterproductive. It should also perhaps re-read its contract with the industry, which explicitly stipulates that "the cigarette industry, their products or cigarette trading must not be discriminated against and adult smokers must not be denigrated". This must clarify therefore, for those in any doubt, that the campaign was never intended to discourage youth smoking.

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## Germany: how did it get like this?

The feeling on the ground in Germany is eerily reminiscent of the early days in the USA or the UK: the enemy seems all powerful, the press appears to believe nearly every word they say, and the general public does not seem concerned either way. At best, people think the health side is exaggerating, at worse that they are some sort of control freaks, unpleasantly reminiscent of a part of Germany's history that everyone would like to forget. In tobacco control terms, Germany is not just the bad boy of Western Europe, but also a country that disobeys all the usual rules when comparing current

smoking rates, including those among health professionals, with levels of education, traditions of intelligent social administration, and the pragmatic application of science.

While it is too simplistic to focus all the blame on Adolf Hitler, his hatred of smoking put a lasting stain on what was to become Germany's most serious public health issue, and the unfortunate shadow of history hung over the nation's public health for many years. For tobacco control, it was probably a major factor in preventing Germany from becoming a pioneer and leader in this field of health policy. For example, in the years immediately after the second world war, cancer researchers who suggested that an investigation should focus on tobacco may have found themselves given a rather wide berth. Similarly, sensible people, aware of the abuse of public health policy for extreme political purposes, would have been unlikely to advocate that the government should implement action on smoking.

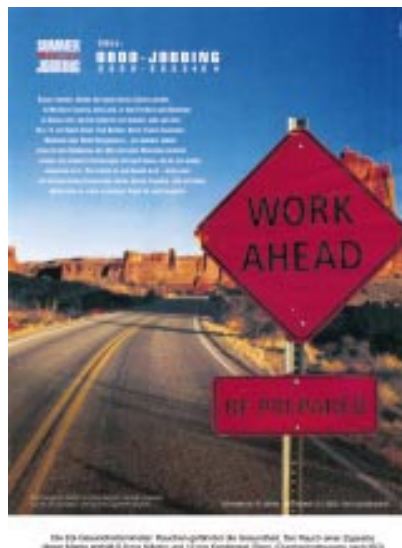
When Doll and Hill published their retrospective study of smoking and lung cancer in 1950, one might have expected German doctors to be among the first to sit up and take notice. After all, German scientists had been pioneers in this area of research, with one producing convincing evidence of the link more than 50 years earlier. When the two British scientists followed with their pioneering prospective study of British doctors in the mid 1950s, would not their German colleagues have been the most likely to follow the fortuitous model of using doctors as the subjects in further research, which had so boosted compliance in the British doctors' study? But many German doctors would have seen this whole area of research as a poisoned chalice. The distrust of government action on what could be seen as personal behaviour lasted well into our own times, and explains why public health has only become a recognised speciality within German medicine within the last decade.

In addition, after the second world war, the newly created West Germany was a sitting target for a huge invasion from American tobacco companies, whose cigarettes became a form of currency as the country got back on its feet. Today, the tobacco industry in Germany, both local and international,

represents one of the largest concentrations of "Big Tobacco" in any European country, with the biggest local firm aspiring to join the big boys in the international club. German politicians do not oppose action on tobacco just because of lack of education about the topic; at important times of decision, such as over the European Union directive on tobacco advertising, the industry has had up to 10 people lobbying full time. It takes two to be influenced by tobacco money, of course. Most of the political parties and individual politicians who take tobacco money see absolutely nothing wrong with it. Even the Green Party, once the brightest hope of environmentalists in Europe, has turned a brownish shade, impermeably tainted by tobacco funding.

The news media, too, appear unconcerned by what goes on to keep smoking the norm in Germany. With honourable exceptions, such as certain freelance journalists whose investigative articles have been spiked by those who bought them, the press and broadcast media generally ignore the most important output of tobacco control advocates; and there is widespread suspicion that television soap operas are tobacco funded.

The results of such long term lack of attention to the tobacco problem are not hard to see. The *average* age of starting smoking among German children is 13.6 years. Some schools even have smoking areas, to enable pupils



Advertisement appearing in the German student *Unicum* for "Marlboro Summer Jobbing". The tobacco manufacturer covers students' accommodation in the USA while they work as ranger assistants, farmhands or location scouts.



Another cigarette advertising campaign in *Unicum*, this time for Polo cigarettes, featuring young couples embracing and inviting readers to send in their suggestions for the best places to flirt.

aged 16 or more to smoke if they want to. Revealingly, efforts to curb street vending machines, a popular source of cigarettes for young people, were strongly challenged by the industry. Eventually a compromise was reached, with the machines being upgraded—this is high tech Germany—with microchips that respond to identity cards to restrict sales to adults. Sales are therefore down, but it does at least preserve the 800 000 machines on Germany's street corners; and it may not be unknown for young people to borrow their older siblings' or friends' ID card to make a purchase. Magazine ads often refer readers to websites leading to tobacco promotion pages where attractive prizes can be won, ideal for attracting young people, with their superior web navigation skills.

The students' magazine *Unicum*, distributed free in universities and colleges throughout Germany, not only carries regular tobacco ads, but appears to plug other tobacco promotions relentlessly. For example, Polo-Cigaretten-Fabrik (Polo GmbH), recently acquired by the UK's Imperial Tobacco group, runs special promotions for its Polo cigarette brand in association with *Unicum*, using a series

of quirky ads centred on flirting and other aspects of young people's relationships. One ad shows a young couple in an intimate embrace, describing in mock serious detail what good exercise kissing can be, with between 29 and 34 muscles involved. Readers are invited to send in their suggestions of the best places to flirt, with the lucky winners of a draw being sent a voucher entitling themselves and a partner to Sunday brunch on the sun terrace of the best restaurant in their town. Enjoy Sunday morning, they are told; and don't forget your sunglasses.

Needless to say, Philip Morris is in on the student act, too. Each year, readers of *Unicum* can rely on a regular dose of plugs for "Marlboro Summer Jobbing"—kids are told that, "In Marlboro country, where freedom and adventure are at home", everyone aged 18 and over can feel like a cowboy or cowgirl. With flights to the south west of the USA and accommodation paid by Marlboro, they can work as a ranger assistant, farmhand or location scout.

Ironically, travellers visiting Germany in the 1930s reported on the country's admirable tradition of encouraging young people, especially students, to travel, with even the

smallest town providing a night's free dinner, bed and breakfast for backpackers at the local hostelry. Unfortunately, that aspect of history seems to have been forgotten, too, and the intentions of the tobacco companies in promoting the idea, or more accurately, the image of travel to students today are far removed from those of the small town burghers of the early 20th century.

## Russia: the lobbyist's art is alive and well

Turkmenistan recently became the first country in the former Soviet Union to ban smoking in all public places. Having been advised to stop smoking following heart surgery in 2000, President Saparmurat Niyazov, Turkmenistan's increasingly idiosyncratic and autocratic leader, introduced a fine—the equivalent of the minimum monthly wage—for anyone caught smoking in public.

Governments elsewhere in the former Soviet Union, however, seem to take a more lenient approach to smoking, taking their tobacco control cues from the industry rather than their health advisors. In Russia, for example, the industry must be content at its recent success in ensuring that the massive Russian market remains free of effective tobacco control legislation. Despite the best efforts of a fledgling tobacco control community, the new federal law on limiting tobacco consumption signed at the end of last year and being introduced in stages through 2002, was reduced from an effective bill to one simply serving the industry. In the words of a reporter on *The St Petersburg Times*, the changes made to the draft between the first and second readings were "a textbook demonstration of the lobbyist's art".

The ban on tobacco advertising included in the initial bill was removed when the industry argued that it should form a separate law. The single sentence the new legislation now affords this topic simply refers the reader to the federal law on advertising which in turn is complex and contradictory and will be impossible to enforce. Needless to say the previous 1995 tobacco advertising legislation was based on the industry's voluntary code of conduct and includes only minor restrictions on content and placement of outdoor adverts and the timing of broadcast adverts. The original draft of the new bill also banned smoking in movies but the familiar escape clause to allow smoking if it is

"an integral element of the artistic design" later crept in.

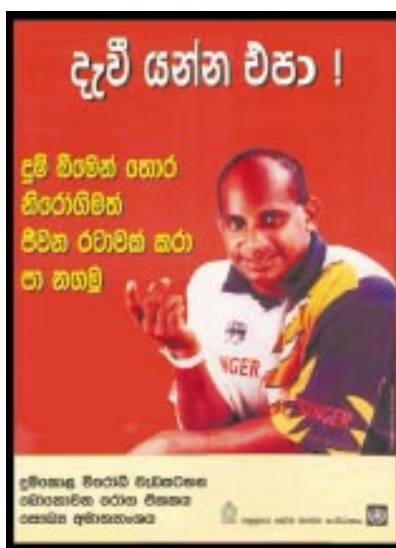
The most useful remaining aspects of the bill are a ban on the sale of single cigarettes and packs of less than 20, a ban on vending machine sales, and an enforcement of the previous voluntary agreement on health warnings. Some restrictions on public smoking are set out but unfortunately, no clear system of enforcement is specified.

Industry interests have triumphed once more. Russian streets will continue to be decorated with tobacco ads and the huge death toll that tobacco wreaks in Russia, as elsewhere in the former Soviet Union, looks set to continue.

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## Sri Lanka: batting for health

In the face of the tobacco industry's incessant, high pressure promotion of smoking as a fashionable, desirable part of life for young people, health groups keep plugging away at the real message. One notable success was achieved earlier in the year when Sanath Jayasuriya, the Sri Lankan cricket captain, agreed to take part in a health ministry campaign against smoking. Under the headline 'Don't get yourself burnt!', Jayasuriya tells young people, the poster's target audi-



Sri Lankan cricket captain Sanath Jayasuriya telling young people "Let's walk towards a healthy lifestyle without smoking" in a health ministry campaign.



British American Tobacco (BAT) is continuing to promote its Sportsman brand in Kenya as if smoking it were an integral part of the country's development plan. Just as previous ads featured competitions to win a business (see *Tobacco Control* 2001;10:207), a recent ad offered prizes to benefit the winners' communities, to be presented in the winners' names, such as agricultural fertiliser, market stalls and kiosks, and even a new water supply for the village.

ence, "Let's walk towards a healthy lifestyle without smoking". Considering the national importance of cricket, originally introduced to the country along with cigarettes by Sri Lanka's former colonial rulers, the UK, this was a ball hit for six by an important new player for the health side.

## France: seminar explodes under PM

It is gratifying when those outside the immediate community of tobacco control advocacy say it like it is. When in July Philip Morris (PM) invited French speaking, non-industry scientists from several European countries to a "scientific symposium" on PM's harm reduction programme to be held in November in Switzerland, it cannot have envisaged just how badly the publicity, a major goal of its attempted rehabilitation programme, could go wrong. Prominent in the French press was a call to boycott the all-expenses paid junkett. One of those behind the move, Professor Bertrand Dautzenberg, put it rather nicely: "The makers of anti-personnel landmines at least have the decency not to invite orthopaedic surgeons to a symposium to talk about the risks associated with their products, or to get the surgeons' thoughts on the subject."